

**HSCA Advisory Committee
DNREC's Enterprise Building Training Room
Enterprise Building Park
97 Commerce Way
Dover, DE 19904
March 5, 2019
Draft Meeting Minutes**

Attendees:

Jess Anderson, Michael Baker
Walt Bryan, Walt Bryan Enterprises
Kenny Dryden, DCR4EJ
Kathy Fox, EA Engineering
Conor Gibbons, New Castle County
Casey Keenr, KCI
Philip Micha, Richards, Layton & Finger
Nicholas Santella, BSTI
Doug Seavey, Landmark
Bill Smith, Environmental Alliance
Bill Stephens, Stephens Environmental
Michele Wolfe, KCI
Marian Young, BrightFields
Department of Justice:
Keith Brady

DNREC:

Mindy Anthony
Eileen Butler
Mariya Chiger
Jill Hall
Brenda Haire
Todd Keyser
Melissa Leckie
Nicholas Parkinson
Tim Ratsep
Qazi Salahuddin
Lori Spagnolo
Kristen Thornton
Sandra Waltz
Paul Will

Introductions and Opening Remarks: Paul Will welcomed members and attendees. Paul summarized the HSCA Advisory Committee (HAC) Purpose and Rules that have recently been updated by Jill Hall. There are no “member” requirements for the HAC, so “member” has changed to “participants” to be more inclusive. The committee voted on approving the updated Purpose and Rules of the HAC unanimously.

Approval of December 6, 2019 Draft Meeting Minutes: The minutes were unanimously approved with one correction.

- On Page 2 of the Draft Minutes under NJIT Brownfields 101 Presentation the last sentence states that “...EPA Regions 1, 4 and 4,” has been corrected to read “...EPA Regions 1, 3 and 4”

Department: SIRS and TMS Updates: Tim Ratsep announced that Marj Crofts has retired and Tim has been the Acting Director since Marj’s retirement in December. Secretary Garvin is working to fill the Director’s position and Tim will keep everyone updated once a decision has been made. Alex Rittberg has retired as Administrator for TMS, as of January 31st, an administrative rotation has been put in place until a new TMS Administrator is selected. Lori Spagnolo has been acting administrator for TMS until Monday, March 11th when Todd Keyser will take the acting TMS administrator for five-weeks. The Cabinet Secretary is waiting for the new WHS Director to be selected who can then select the TMS Administrator. SIRS Program

Managers have also been rotating Acting Administrators while Tim is Acting Director. Qazi Salahuddin was Acting SIRS Administrator until February 18th and Paul Will is currently Acting SIRS Administrator until April 1st, the next rotation for SIRS, if needed, has not been appointed yet. Tim thanked all of the Program Managers for their hard work and willingness to step into the acting positions during this time of transitions. Tim introduced Sandra Waltz, the new Administrative Assistant III for SIRS, who will be the new HAC Coordinator, Sandra will be relieving Christina Wirtz of these duties.

Tim asked Mindy Anthony, Planner IV in the Directors Office, to update the committee on the Divisions move to a new Enterprise Content Management system (ECM), DNREctory which is still in the very early stages of implementation. All documents will be stored on the DNREctory, a way for all of the divisions to share information. All incoming U.S. mail will now be forwarded to Dover and will be scanned and routed to the appropriate sections within 24 hours. These are all internal changes and will not affect the way mail is sent to the division.

Tim noted that all State emails have changed from the @state.de.us to @delaware.gov; however, the @state.de.us domain will continue to forward for quite some time.

- **Updates for TMS:** The UST Regulations are being finalized and there will be two workshops on April 16th; 10:00 am – Lukens Drive and an evening workshop in Dover with the Division of Air Quality, once the workshops are completed, TMS will move to the next step of regulation notification. The EPA is reviewing the finalized regulations. Tim thanked TMS for collaborating with the Division of Air Quality.
- **Updates for SIRS:** SIRS is represented by a few new faces: Mariya Chiger, Environmental Scientist I; Brenda Haire, Environmental Scientist I; and Nicholas Parkinson, Environmental Control Technician III. Nicholas is reviewing older sites and determining if any new development on the sites has occurred and if new review is necessary, and, if there has been no development, if the sites can be closed and the site inventory cleaned up.
 - Walt Bryan asked if a site was contaminated previously and now there are multiple properties built - how would that be handled? An attempt to track down the old owners will be completed or the division will use HSCA funds, which is allocated to cleanup abandoned properties.

SIRS also now requires that all Brownfield and VCP applications be submitted through the SIRS mailbox; DNREC_WHS_SIRSINBOX@delaware.gov. All individual reports should also go through this mailbox, including the site name and DE#- in the subject line to ensure no reports or applications are overlooked by sending to individual project managers. Sandra Waltz will add the SIRS mailbox to the SIRS website, if it is not there already.

HAC Subcommittee Report-outs:

- **Technical Subcommittee:** Qazi Salahuddin reported on technical subcommittee updates. The subcommittee did not meet in February, they are currently working on new regulations and updating the protocol for soil reuse and gas sampling. The soil reuse policy will be more in line with what the Division of Solid Waste Authority (DSWA) requires. It was noted that SIRS has a Memo of Agreement with DSWA; however, a recent issue has come up where DSWA is no longer allowing any soil to be stored if it is coming from a contaminated site without first receiving approval from SIRS that the soil has been treated. This will cause delays and slow down site remediation. Until now, as long as the permits were being

followed it hasn't been an issue. SIRS has a conference call with DSWA next week to discuss their new requirement. Brownfield dollars will be drained by having to certify all of the soil deposits and this will also slow progress of remediation. An update will be given at the next HAC meeting.

- **Finance Subcommittee:** Jill Hall has updated the Hazardous Substance Cleanup Act Policy on Brownfield Grants. All committee participants have been sent a copy of the proposed changes. The HAC and finance subcommittees have both reviewed and approve of the suggested changes. There are eight (8) proposed minor changes:
 - I.1 Green Remediation practices have been added (a Green Remediation policy is being created).
 - II.1 Definition of Brownfield Redevelopment Project.
 - II.4 Green Remediation Definition has been added.
 - III.1 Brownfields Grant allotment per fiscal year.
 - III.2.B Non-profit allotment per fiscal year.
 - III.3.B Private entity allotment per fiscal year.
 - V.2 Remediation costs verbiage change.
 - VII.8 Brownfield Grant recipient's response to information requests relevant to grant funding.

Upon review of these changes the committee voted unanimously to approve the policy. The policy will be finalized and signed, and Sandra Waltz will forward the updated policy to the committee and update on the website. It was noted that policies can be altered and that this policy is a living document, changes can be made as committee participants deem necessary. The dollar amount allocation to Brownfield sites has not been changed.

- A new HSCA law was signed in September of 2018 and was effective in January of this year. The new law requires that the HSCA fund be based on last year's petroleum sales within the State. The new law allows a .9% to 1.5% increase which should allow for substantial increase in HSCA funds based on previous year's funds. The HSCA Regulations will become effective on March 11, 2019 and the Registrar of Regulations website will post the regulations within the next week. The Regulation link will also be updated on the SIRS webpage. There were two workshops held in January, as well as a public hearing, and there were no comments allowing the regulations to move forward as of March 1, 2019.

DNREC/EPA R3/NJIT: DNREC, EPA R3, and NJIT will be hosting a half-day workshop for non-profits and municipalities on Brownfields. The tentative date is Thursday, June 20, 2019 in Dover at the Richardson-Robbins Building. DNREC-SIRS requests suggestions in identifying non-profit groups and recommendations can be sent to Sandra Waltz. Jill Hall has a list of 274 non-profits that are registered as members with the Delaware Alliance for Nonprofit Advancement (DANA); however, there may be others that are not listed. One of Secretary Garvin's priorities is a more inclusive Brownfields program with more outreach activities.

- Secretary Garvin has made Environmental Justice (EJ) a priority and wants to include EJ in all that we do. An Environmental Justice forum will be held this summer; information will be forthcoming. If anyone has any suggested topics to include in the EJ forum, please send them to Sandra Waltz. Mr. Dryden expressed his appreciation to Secretary Garvin on behalf of himself and the EJ Community.

- **Outreach Subcommittee**: A Brownfield Fact Sheet and Brownfields Brochure were distributed to the committee. A separate brochure is being created for each county, they will all contain the same information; however, the pictures from each county will highlight brownfield development for that specific county. If anyone has any pictures of a redeveloped site, please send them to Sandra Waltz.
- **Ecological Subcommittee**: The Ecological subcommittee is working on a “Green Remediation” policy. There are incentives for the use of green remediation techniques on Brownfield sites. The subcommittee has been working with a garden center to develop a flower palette for brownfield sites using native flowers and plants. The Kalmar Nichol at the Wilmington waterfront has a demonstration of what the subcommittee is looking for and should be viewable in the spring. Sussex County has the Delaware Botanic Gardens, which will feature all of the native plants. The Delaware Botanic Gardens has offered to give committee participants a tour; however, the plants are still growing and will need a year to be cultivated.

New Business:

Walt Bryan will pass on information about potential Green Remediation sites in the Lewes area. Mr. Dryden asked how does the HAC committee get more involvement for the EJ Community? It was noted that non-profit organizations, formal non-profits that have a 501(c)(3), no longer need to pay consultants since 2015, all consultants that are brought on by the non-profit are paid through direct pay. DNREC is not able to solicit developers; however, if the developers come to the division they can provide suggestions for clean-up. Formal non-profits can be developers. It was decided that Mr. Dryden will put together a proposal of what the EJ Community would like to see and will send to the division.

The next meeting will be held on June 6, 2019 at 10:00 AM To 12:30 PM at the DNREC – Division of Watershed Stewardship; Pilottown Field Offices - 901 Pilottown Road, Lewes, DE 19958.